

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States of America
v.Rene Isaac GONZALEZ
Ricardo Alejandro VILLA

Case No:

19-MJ-1089

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of April 26, 2019 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 8 U.S.C. § 1324(a)(1)(A)(v)(I)(Conspiracy), 1324(a)(1)(A)(ii)(Transporting), an offense described as follows:

engaged in a conspiracy to commit a violation of 8 USC 1324(a)(1)(a)(v)(I) Conspiracy, to wit: 8 USC 1324(a)(1)(a)(ii) Transporting, knowing or in reckless disregard of the fact that, ALIENS, had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On April 26, 2019, at approximately 4:00 p.m. a United States Border Patrol Agent was driving west on New Mexico State Highway 9 (NMSH 9) near mile marker 145. The agent observed a green colored sedan driving east bound on the same road and noticed the driver of the vehicle grasping the steering wheel with both hands and staring straight ahead in a nervous manner. The agent believed that the driver of the vehicle was deliberately trying to avoid eye contact with him. The agent also noticed that the front passenger of the vehicle appeared to be avoiding eye contact by looking down towards the floorboard. The agent decided to turn around and take a closer look at the vehicle.

☒ Continued on the attached sheet.


Complainant's signature

Stephen R. Salcido, Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 29, 2019

City and state: Las Cruces, N.M.


Judge's signature
GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Rene Isaac GONZALEZ
Ricardo Alejandro VILLA

Continuation of Statement of Facts:

At this time the agent noticed the rear of the vehicle was low to the ground similar to when a vehicle is carrying more weight than normal. The agent requested checks on license plate NM-NTZ611 and decided to pull the vehicle over.

As the vehicle came to a stop near the intersection of NMSH 136 and Airport Road the agent observed four individuals exit the right rear passenger door and run into the desert. The agent approached the vehicle identified himself as a United States Border Patrol Agent and ordered the driver, later identified as Rene Isaac GONZALEZ and the passenger, later identified as Ricardo Alejandro VILLA out of the vehicle and secured them by placing handcuffs on them. The agent questioned the driver and passenger as to their citizenship and immigration status. Both subjects claimed to be citizens of the United States. The agent then read both individuals their Miranda Rights and both individuals agreed to answer questions without the presence of a lawyer.

The agent asked the driver about the four individuals that ran out of the car and he admitted that he had just picked them up at mile marker 117 on NMSH 9. He went on to say that an unknown person had called him and offered to pay him \$1000.00 per person to take them to an unknown location in Albuquerque, NM.

The passenger admitted that the vehicle was his sisters and that he and the driver were going to split the money they made for picking up the people.

Responding agents arrived and began to follow the footprints of the four individuals that ran into the desert. All four individuals were located and each was questioned as to their citizenship and immigration status. All four individuals admitted to being from Mexico with no proper documentation to be or remain in the United States legally.

At this time all subjects were placed under arrest and transported to the Santa Teresa Border Patrol Station for processing.

SMUGGLING SCHEME INFORMATION:

DRIVER STATEMENT (Defendant 1)

On April 26, 2019, (Defendant 1) made the following post Miranda Statement, but not verbatim, regarding his involvement in the aforementioned alien smuggling scheme.

(Defendant 1) stated that he had asked around town (Hatch New Mexico) for any type of work. He states that on today's date, 04/26/2019, an unknown male individual gave him a call and offered him work picking up "Pollos" (illegal aliens). When (Defendant 1) asked what "Pollos" are the man on the phone stated they are illegals. (Defendant 1) stated that he was offered \$1,000 dollars per "Pollo" to pick them up and take them to Albuquerque, New Mexico. (Defendant 1) stated he agreed to do the job. (Defendant 1) was told to be in Columbus New Mexico at 3:00 pm and wait there for further instructions.

(Defendant 1) stated that he called his friend (Defendant 2) and told him about the smuggling scheme. He then offered (Defendant 2) half of the money he was going to get if he was to help him. (Defendant 2) agreed to go with (Defendant 1). (Defendant 2) then drove to (Defendant 1's) house in Hatch, New Mexico and from there they drove to Deming, NM and then to Columbus, New Mexico where they waited at a gas station for further instructions. (Defendant 1) stated that while

in Columbus, NM he called the individual that hired him. He was given instructions from the man that hired them to drive east on New Mexico Highway 9 and stop at Mile Marker 117 and pick up four "Pollos". (Defendant 1) gave the description of the vehicle he was going to use so that the illegal aliens would know what he was driving.

(Defendant 1) drove (Defendant 2's) vehicle, a green Nissan Sentra, east bound from Columbus, NM where he stopped at mile marker 117 and saw four individuals run from behind some brush and enter the car. (Defendant 1) stated that he then continued traveling east on New Mexico Highway 9. He further states that when he got to the intersection of New Mexico Highway 9 and Pete Domenici Highway, he called the individual that offered him the job and asked for some money. (Defendant 1) stated that the individual offered to pay him part of the money but first (Defendant 1) needed to make it to Las Cruces, NM and the individual would put money in an account for him. (Defendant 1) stated that he was supposed to drive on I-10 to Las Cruces and from there onto I-25 to Albuquerque, NM. (Defendant 1) claims he did not know his final destination in Albuquerque, NM. He also claims that this is his first time doing this.

PASSENGER STATEMENT (Defendant 2)

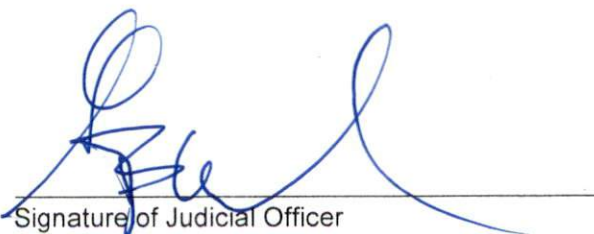
On April 26, 2019, (Defendant 2) made the following post Miranda Statement, but not verbatim, regarding his involvement in the aforementioned alien smuggling scheme.

(Defendant 2) stated on today's date, 04/26/2019 at approximately 12:00 pm, his friend, (Defendant 1), called him by phone and told him that he accepted a job picking up some "Pollos" (illegal aliens). (Defendant 1) told him that the job paid \$1,000 dollars per head and he asked him if he was willing to help and he would split the money in half with him. (Defendant 2) agreed and drove to (Defendant 1's) house in Hatch New Mexico and from there they drove to Deming, NM and then to Columbus, NM where they waited at a park next to a gas station for further instructions. (Defendant 2) claims that from there (Defendant 1) called the smuggler for further instructions. (Defendant 1) stated that the smuggler wanted them to pick up six "Pollos" but that (Defendant 1) told him that he would only pick up four. (Defendant 2) claims that (Defendant 1) drove east on New Mexico Highway 9 and stopped between mile markers 117 and 118 and quickly four individuals emerged out of the brush and got in the car. (Defendant 2) claims that (Defendant 1) quickly started driving east again and near New Mexico Highway 9 and Pete Domenici Highway made a call to the smuggler and told him that they had the "Pollos" with them and also he asked the smuggler for some money. Shortly after that they were pulled over by the Border Patrol and the four "Pollos" ran out of the car and that he and (Defendant 1) were arrested by a Border Patrol Agent.


DISPOSTION:

AUSA Rene Camacho was contacted and approved criminal prosecution under 8 USC 1324 Transporting and Conspiracy to Transport on both defendants.

Continuation of Statutory Language:



Signature of Judicial Officer



Signature of Complainant

Salcido, Stephen R.

Filing Agent